

The Puget Sound Federal Task Force  
Five Year Federal Action Plan  
Outline  
(Short Narrative Version)

## 1.0 Background

The Puget Sound Federal Task Force was established by MOU in October 2016. See attachment 1. Under the MOU, the Regional Implementation Team of the Puget Sound Federal Task Force will develop a five-year Action Plan that includes a coordinated list of federal priority projects, federal policy priorities for Puget Sound recovery, and budgets for these priorities. The Regional Leadership Team will review and submit the Action Plan to the D.C. based Puget Sound Federal Task Force by January 18, 2017. The Task Force will approve a final Action Plan by June 1, 2017.

The Regional Implementation Team will use priorities identified through the Western Washington Tribal Treaty Rights at Risk initiative, Tribal Habitat Priorities, the 2016 State of Our Watersheds Report the 2016 Puget Sound Action Agenda, and salmon recovery priorities as the primary basis for federal Action Plan development. The Action Plan may also include priority federal actions not addressed in the Action Agenda or salmon recovery plans. Transboundary issues and priorities will be integrated into the Action Plan as an outcome of coordination with Canadian partners. The Action Plan is organized around the three strategic initiatives contained within the Action Agenda: habitat, shellfish and stormwater.

## 2.0 Priority federal activities to protect and restore habitat and shellfish beds, and prevent stormwater pollution.

### 2.1 Protect and restore habitat

#### 2.1.1 Support Sustainable harvest of salmon and shellfish to meet the Treaty protected and non-treaty fisheries.

Formatted: List Paragraph, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.33" + Indent at: 0.83"

##### 2.1.1.1 Hatchery produced fish as mitigation for lost natural production until habitat recovers

###### 2.1.1.1.1 Hatchery HGMP review and approval completed in an expedited manner (NOAA, BIA, USFWS)

###### 2.1.1.1.2 Support for Tribal hatchery programs, and implementation of HGMP requirements (NOAA, BIA)

###### 2.1.1.1.3 Ensure treaty right fisheries are not unfairly affected by the implementation of Federal Acts

###### 2.1.1.1.3.1 Endangered Species Act (NOAA, USFWS)

###### 2.1.1.1.3.2 Marine Mammal Act (NOAA)

###### 2.1.1.1.3.3 Migratory Bird Treaty Act (USFWS)

###### 2.1.1.1.3.4 Magnusson Stevens FCMA (NOAA)

###### 2.1.1.1.3.5 Pacific Salmon Commission (NOAA, DOS)

###### 2.1.1.1.3.5.1 Protect minimum fishing regime

Formatted

Formatted

#### 2.1.1.1.3.5.2 PST Funding for SF Chinook supplementation program

Formatted: Normal, Indent: Left: 0.67",  
No bullets or numbering

### 2.1.1 Correct fish passage barriers

#### 2.1.1.1 Fund fish passage barrier removal projects and programs

2.1.1.1.1 Mud Mountain Dam Fish Passage Project (USACE)

2.1.1.1.2 Puget Sound Coastal Program, National Coastal Wetland Conservation Grant Program, National Fish Passage Program (USFWS)

2.1.1.1.3 Coastal Ecosystem Resiliency Funding, Community Based Restoration (NOAA Restoration Center)

2.1.1.1.3.2 2.1.1.1.4 Remove Middle Fork Nooksack Dam

2.1.1.2 Support state fish passage barrier removal priorities. E.g. The Fish Passage Barrier Removal Board has developed a statewide strategy for prioritizing and repairing fish passage barriers and FBRB is seeking \$51.4 million in the 17-19 biennium to repair 79 fish passage barriers statewide (39 projects in the Puget Sound).

2.1.1.3 Federal agencies dealing with transportation and infrastructure, explore enhancing/enhance current and developing new approaches to fish passage barrier removal, with consideration of the impacts of changed stream flow parameters.

2.1.1.4 Remove fish passage barriers on federal lands and explore/develop new approaches to fish passage barrier removal.

2.1.1.5 Work with railroads to identify and remove fish passage barriers.

Explore working with railroads on fish passage.

2.1.1.6 Federal agencies with regulatory authorities explore streamlining the permitting process for all fish passage projects, utilizing all existing or anticipated programmatic tools. (USACE, NOAA, USFWS, others)

### 2.1.2 Protect and recover floodplains and riparian habitat

2.1.2.1 Support the Floodplains Implementation Strategy (IS), an integrated federal, state, tribal, local approach to accelerate progress towards the floodplain vital sign targets. The combined estimated cost for reducing flood risk and restoring salmon habitat over the next 10 to 20 years is over \$3 billion, with approximately \$2.2 billion associated with flood risk reduction projects and \$120 million/year associated with salmon recovery. (EPA, others)

2.1.2.2 Improve community resilience by increasing incentives to prevent and/or remove existing development/move development away from high risk areas also important to ecosystem recovery.

2.1.2.3 Explore/Develop new approaches around flood protection levees. (e.g. natural structures, discourage expansion, etc.)

2.1.2.4 Encourage/Support integrated corridor project implementation that increases floodplain connectivity, promote salmon abundance and

[productivity](#), improves agriculture viability, and increases the flood resilience of communities.

**2.1.2.5** Fund reach scale planning [to evaluate options for flood protection and sustainable salmon abundance and productivity](#) and coordinate funding for riparian easements and restoration in priority stream reaches. (EPA, USDA, NOAA, other)

**2.1.2.5.2.1.2.6** [Maximize the horizontal and vertical extent of the channel migration zone and associated riparian vegetation.](#)

### 2.1.3 Protect and restore nearshore habitat and estuaries

#### 2.1.3.1 Fund priority nearshore restoration projects

**2.1.3.1.1** Puget Sound Nearshore Ecosystem Restoration Project. (USACE, potentially others) *Subject to Congressional authorization.*

**2.1.3.1.2** Puget Sound Master Plan for 12 additional sites to be restored under the Puget Sound and Adjacent Waters (Sec 544) and the Continuing Authorities Program (Section 205) (USACE)

**2.1.3.1.3** Skokomish River Ecosystem Restoration Project. (USACE and NRCS, others) *Subject to Congressional authorization*

**2.1.3.1.4** Dungeness River Ecosystem Restoration Feasibility Study in partnership with the Jamestown S’Klallam Tribe. (USACE, EPA, NRCS, others)

**2.1.3.1.5** Estuary Restoration Act projects. (USACE, NOAA, EPA, USFWS, USDA)

#### 2.1.3.2 Address cumulative impacts of shoreline armoring in Puget Sound

**2.1.3.2.1** Protection of ESA habitat landward of the Corps Clean Water Act jurisdictional boundary: Consider options in coordination with federal and state partners, [including extending Corps of Engineers jurisdiction to the Highest Astronomical Tide \(HAT-that\)](#) that may be implemented to protect ESA species and habitat.

**2.1.3.2.2** EPA, NOAA, USACE, Tribes and State resource agencies to coordinate [development of](#) ~~on~~ a method to assess the cumulative impacts of shoreline armoring from local, state and federal permit programs and use adaptive management protocols to amend those programs accordingly.

**2.1.3.2.3** Streamline projects that align with ESA-approved conditions, as they create better environmental outcomes [with a focus on those outcomes that are most beneficial to salmon recovery](#). This allows agencies to focus resources on those projects that are more complicated and /or of greater concern.

- 2.1.3.2.4 2017 Nationwide Permit Regional Conditions: Revise regional conditions specific to bank stabilization if necessary based on results of cumulative impacts analysis in Puget Sound. (USACE)
- 2.1.3.2.5 Support state agencies requests for budget from the General Fund to support HPA enforcement, SMA implementation, streamlined permitting of restoration projects, and other strategies to increase shoreline management effectiveness.
- 2.1.3.2.6 Support Washington State and align federal regulatory shoreline management approaches with state plans to remove exemptions from state rules (e.g. state asking for a repeal of single family residence exemption on bulkheads).
- 2.1.3.2.7 Support increase federal technical and financial assistance to pilot green infrastructure (e.g., green/living shorelines) in support of enhanced coastal resiliency.
- 2.1.3.2.8 Increase transparency and accountability around regulatory programs through the support of monitoring programs documenting enforcement actions and ecosystem benefits.
- 2.1.4 Manage vessel traffic pursuant to [cite documents relied on by the US Coast Guard]. Conduct vessel traffic risk assessment and manage vessel traffic.
- 2.1.5 Protect and restore habitat on federal lands.
  - 2.1.5.1 National Forest lands
    - 2.1.5.1.1 Decommission and stabilize forest roads
    - 2.1.5.1.2 Restore instream habitat
    - 2.1.5.1.3 Protect aquatic habitat
  - 2.1.5.2 Other...
- 2.1.6 Quantify and protect tribal and federally recognized reserved instream flow water rights.
  - 2.1.6.1 Establish reliable relationships between stream flow levels and fish habitat for key fish species and life stages in watersheds where this technical work has not already been conducted.
  - 2.1.6.2 In watersheds where reliable relationships between stream flow and fish habitat already exist, engage with state and tribal partners to seek a negotiated resolution and establishment of federally reserved instream flow water rights for tribal governments.
  - 2.1.5.2.1.6.3 In watersheds where a negotiated resolution is not or cannot be achieved, file litigation on behalf of the affected tribal governments seeking a declaratory action establishing a tribal government's federally reserved instream flow water rights and an order that the state ensure that the federally reserved water rights are protected.

Formatted: Font color: Text 1

Formatted

Formatted: Font color: Text 1

## 2.2 Prevent pollution from stormwater

- 2.2.1 Improve stormwater management on federal lands and facilities using oversight authorities, funding incentives and other tools.
- 2.2.2 Ensure that federally funded transportation projects comply with WSDOT Highway Runoff Manual.
- 2.2.3 Fund priority stormwater retrofits in Puget Sound. (EPA, other)
- 2.2.4 Continue funding and technical support for Regional Stormwater Monitoring Program. (USGS, USFWS, EPA, NOAA, NRCS, others)  
The RSMP is an Ecology-administered, collaborative monitoring program with western Washington municipal stormwater permittees and state agencies. Two areas that could immediately benefit from federal support are funding for a coordinator to support the collaborative, help developing an agricultural runoff monitoring strategy by leveraging NRCS, NOAA and EPA programs.
- 2.2.5 Invest in new technologies (also listed in science and monitoring section).  
The Washington State University Stormwater Center is a nationally-recognized applied research institution developing practical solutions to stormwater impacts. Investing in the Center helps advance understanding of key issues such as the toxic effects of stormwater on salmon and the effectiveness of green infrastructure.
- 2.2.6 Invest and Support Source Control Programs.  
Federal support is needed to ban or regulate toxic products, such as pesticides in lawn-applied fertilizers. Expanded federal investment in the regional Local Source Control Partnership helps support pollution prevention specialists that bring technical knowledge of hazardous waste and stormwater management to the doorstep of small businesses. (EPA, other)
- [2.2.7](#) Coordinate on and support development of state water quality guidance for nonpoint sources on agricultural lands. (EPA, USDA, NOAA, other)
- [2.2.7.2.8](#) [Evaluate the impact of stormwater and urban discharges on the health of the marine food web.](#)

## 2.3 Protect and Restore Shellfish Beds

- 2.3.1 Implement Aquaculture Regulatory Framework
- 2.3.2 Provide a streamlined, transparent and predictable regulatory process/tools for aquaculture activities (USACE, NOAA, USFWS)
- 2.3.3 Coordinate/enhance oil spill preparedness and planning
- 2.3.4 Harmful Algal Blooms Early Warning System
- 2.3.5 Shellfish Interagency Permit Team Phase II
- 2.3.6 Olympia Oyster rehabilitation/restoration
- [2.3.7](#) National Water Quality Initiative (USDA)
- [2.3.7.2.3.8](#) [Enforcement of laws to protect water quality](#)

## 3.0 Federal science and monitoring priorities for Puget Sound recovery

Federal agencies have extensive expertise, capabilities and access to national and regional capacity for fundamental science and monitoring programs to support Puget Sound ecosystem recovery. Credible and salient scientific information and technical support are needed at the regional, sub-regional, and local levels to support recovery planning and implementation processes, address policy barriers, and inform the best next steps for recovery. While in many major coastal ecosystem recovery efforts there are well-organized Federal/State/local science enterprises that support recovery planning and implementation efforts, Puget Sound does not yet have a formal dedicated structure for effectively integrating Federal science and monitoring expertise and capabilities for this purpose.

This Action Plan calls for the inter-Agency Federal Science and Monitoring work group created under the Federal Task Force MOU to: 1) determine interim steps that could be taken to help address this critical gap with current resources and capacity; 2) develop a process for prioritizing current and planned Federal science and monitoring activities that are consistent with Puget Sound recovery needs; and 3) collaboratively develop options for developing a Federal Puget Sound Science Program that brings to bear Federal scientific and technical expertise and capacity to support collaboration, leveraging, and science needs for Puget Sound recovery. While the staffing of the Science and Monitoring work group has not yet been finalized, the Regional Implementation Team has created a list of known high-priority science and monitoring activities that are needed to support the habitat, stormwater and shellfish strategic initiatives in the 2016 Puget Sound Action Agenda, Tribal habitat priorities, and federal priorities for Puget Sound Recovery. See attachment 2.

#### 4.0 Treaty Rights at Risk: Six priority issues for federal engagement

In 2015, a subset of Federal Task Force agencies committed to address six priority tribal treaty rights issues raised by Western Washington Treaty Tribes. Some of these issues, or approaches to address these issues, are also included in Section 2 of this Action Plan.

- 4.1 NOAA/EPA: Washington State Nonpoint Source Program under the Coastal Zone Act Reauthorization Amendments (CZARA).
- 4.2 USACE/EPA/NOAA: Shoreline armoring: Protection of ESA habitat landward of the Corps Clean Water Act jurisdictional boundary. Consider options in coordination with federal and state partners that may be implemented to protect ESA species and habitat.
- 4.3 USACE/EPA: Marine/Freshwater Shorelines
- 4.4 USDA: Transparency on USDA funded agricultural best management practice projects.
- 4.5 USDA/NOAA/EPA/CEQ: Riparian buffers: Respond to tribes' request to revise USDA practice standards.
- 4.6 USFWS/EPA/NOAA: Puget Sound Hatchery Programs: Support the process and schedule developed jointly by federal-tribal-state partners to develop and approve watershed-specific hatchery plans consistent with the ESA and NEPA.

## **5.0 Federal Task Force Governance and Federal Action Plan Implementation**

### **5.1 Action Plan modifications**

#### **5.1.1 Annual adjustments.**

#### **5.1.2 Submission to the Federal Leadership Committee for review and adoption.**

### **5.2 Biannual report from science/monitoring sub-committee on critical uncertainties or gaps in science and monitoring.**

### **5.3 Biannual report on implementation barriers and resource constraints.**

**Attachments**

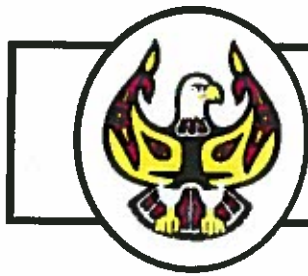
- Attachment 1. Puget Sound Federal Task Force MOU
- Attachment 2. Science and monitoring projects
- Attachment 3. Table of budget requests to support Action Plan (to be added later)



## Attachment 2. Federal science and monitoring priority projects for Puget Sound recovery

Agency/Organization	Project description	Annual budget
US Fish and Wildlife Service (FWS)	Assess stormwater runoff impacts in urban/urbanizing watersheds of Puget Sound by identifying the highest priority toxic stormwater runoff threats to salmonids & their habitats.	\$300,000
	Develop & implement green stormwater strategies to ensure the ecological integrity of salmon habitats by identifying mitigation strategies to aid long-term habitat conservation & restoration.	\$300,000
United States Geologic Survey (USGS)	Implement the Coastal Storm Modeling System (CoSMoS) at the scale of Puget Sound to model the combined impacts of sea level rise, increased winter river flooding, and storm surge on large storm-related coastal flood events	\$1,000,000
	Assess and monitor the delivery and routing of sediment to prioritized large river deltas and nearshore environments to aid restoration and floodplain protection efforts and characterize the resilience of these environments to climate change and sea level rise.	\$400,000
	Generate and compile data and information on groundwater resources and water use to assist development of WRIA and regional-scale water-resource management strategies that are protective of <u>sufficient summer low flows to support fish habitat and production</u> while ensuring being protective of adequate water supply for domestic, agricultural, and other out-of-stream uses.	\$225,000
	Compile Puget Sound basin stream temperature data from multiple sources to include newer data (post-2013) and data for currently data-poor areas, model the data, and map stream temperature/cold water refugia at finer scales than the existing NorWEST tool	\$150,000
	Continue post-dam removal sediment studies in the Elwha River system, including studies of ecosystem responses to changes in the sediment-regime.	\$200,000
National Oceanic and Atmospheric Administration (NOAA)	Develop and implement a basin-scale habitat status and trends assessment for watersheds and associated marine nearshore	
	Develop an ecosystem-scale model for Puget Sound in collaboration with the Marine Survival Project. Atlantis is the platform for ecosystem scale model.	
	Conduct hypothesis-based process studies for forage fish and eel grass	
	Assess next-generation monitoring tools such as eDNA for use in monitoring juvenile salmon outmigration in large rivers.	
NOAA with USGS and NPS	Continue collaborative monitoring of the Elwha watershed post dam removal.	
	Conduct investigations on the impact of urbanization on marine ecosystems and on water quality (stormwater) and potential mitigation options	
	Federal Shellfish Research Program	
NOAA with Washington Sea Grant	Early warning system for harmful algae blooms	

United States Forest Service (USFS)	Continue to implement watershed-scale habitat status and trends assessment for watersheds and aquatic habitats as part of the Aquatic and Riparian Effectiveness Monitoring Program (AREMP) and the National Watershed Condition Framework.	
Natural Resources Conservation Service (NRCS)	NRCS has requested participation in the Conservation Effects Assessment Project (CEAP) for Puget Sound. CEAP assessments are carried out at the field, watershed and landscape scale and include analysis of the cumulative effects and benefits of conservation practices on the natural resources and environment.	
	Edge of Field Monitoring contracts. NRCS anticipates obligating four contracts with individual producers to quantify the impacts of conservation work on water quality.	
	The Regional Stormwater Monitoring Program (RSMP) is a collaborative monitoring program with western Washington municipal stormwater permittees, federal and state agencies to measure the effectiveness of stormwater management actions and communicate widely applicable information on the finding.	
EPA	VELMA project to model effectiveness of riparian buffers	
BIA? Other...	<a href="#">Evaluate Nooksack delta stream flow dynamics depositing sediment and debris impacting fishing activities including Replacement of Marine Drive Bridge over Nooksack River, with a single span structure.</a>	



# **LUMMI INDIAN BUSINESS COUNCIL**

2665 KWINA ROAD BELLINGHAM, WASHINGTON 98226 (360) 312-2000

DEPARTMENT \_\_\_\_\_

DIRECT NO. \_\_\_\_\_

## **Lummi Natural Resources Priorities for Puget Sound Federal Task Force Action Plan November 17, 2016**

Sustainable fisheries are paramount to the identity of the Nation's culture and Shelangen or 'way of life'. Federal trustees have a legal responsibility to uphold the fishery Treaty Rights, and for those treaty rights to be meaningful there must be fish to harvest.

- 1) Hatcheries- Hatchery produced fish provide the mitigation to our treaty right fisheries while the habitat recovers.
- 2) Water Right/Instream Flow – Quantify and protect tribal federal reserved water rights in federal court
- 3) Water Quality/Portage Bay - Enforce clean water act to meet water quality standards
- 4) Habitat Protection/Restoration – Protect and restore habitat to support a sustainable and harvestable fishery
- 5) New Bridge/Log Jam Issue – Replace Marine Drive bridge that is creating log jams and silt build that impacts treaty fishing right

